

EXHIBIT B

ANDERSON KILL P.C.

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By Hand Delivery

February 1, 2021

Clerk of the Court, Ruby J. Krajick
United States District Court
Southern District of New York
Office of the Clerk
500 Pearl Street
New York, New York 10007

Re: *Michael Bianco et al. v. Islamic Republic of Iran*,
Case No.: 1:20-cv-10902; RE: Service

Dear Clerk of the Court, Ruby J. Krajick:

I represent the Plaintiffs in the above-referenced action.

I am writing to request you effect service on the Defendant, Islamic Republic of Iran, pursuant to 28 U.S.C. §1608(a)(4), at the following address:

Minister of Foreign Affairs
Ministry of Foreign Affairs of the Islamic Republic of Iran
Iman Khomeini Avenue
Tehran, Iran
ATTN: H.E. Mohammad Javad Zarif

Service on Iran cannot be effected under 28 U.S.C. Sections 1608(a)(1) and (2) because the United States and Iran do not have any special arrangement for service of process upon Iran in accordance with sub-section (1), nor is service permitted by any applicable international convention under the provisions of sub-section (2).¹ See *Valore v. Islamic Republic of Iran*, 700 F. Supp. 2d 52, 70 (D.D.C. 2010).

On December 30, 2020, Plaintiffs, through the Clerk of the Court, attempted to serve the Defendant pursuant to the provision to 28 U.S.C. §1608(a)(3). Annexed hereto as **Exhibit 1**, is a copy of the certificate of mailing.

¹ Iran is not a signatory to the convention of the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

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As of Monday, February 1, 2021, thirty (30) days have passed since the certificate of mailing has been issued and service had not been able to be completed under 28 U.S.C. § 1608(a)(3). Annexed hereto as **Exhibit 2**, is a true and correct copy of the USPS tracking information of the package sent by the Clerk of the Court indicating that serve has not been made.

Accordingly please serve the Defendant pursuant to 28 U.S.C. §1608(a)(4) at the following address:

Attn: Secretary of State, Director of Consular Services, Office of Policy
Review and Inter-Agency Liaison (CA/OCS/PRI)
U.S. Department of State
SA-29, 4th Floor
2201 C Street NW
Washington, DC 20520

Enclosed please find copies of the following documents:

1. Civil Cover Sheet.
2. Complaint deemed filed on December 23, 2020.
3. Summons.
4. Statement of Relatedness.
5. Notice of suit prepared in accordance with 22 CF § 93.2 with a copy of 28 U.S.C. 1330, 1391(f), 1441(d) and 1602-1611.
6. Affidavit of translator.
7. Translations of the above mentioned documents.²

In total, we are providing three complete sets of the documents, in both English and Farsi. In accordance with pages 12-13 of the Court's Foreign Mailing Instructions, we are providing two sets for service on the Defendant and one set of documents for the Court's file.

We have also enclosed pre-paid FedEx label and envelope for delivery to the address above. Please note that our firm FedEx account number is 628354049.

We further enclose a cashier's check in the amount of \$2,275.00 made payable to "U.S. Embassy Bern."

Should you have any questions or require any additional information please do not hesitate to contact me.

² The affidavit of the translator comports with the requirements of NY CPLR 2101(b).

Anderson Kill P.C.

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Regards,

A handwritten signature in black ink, appearing to be 'J. Goldman', written over the printed name.

Jerry S. Goldman

Enclosures

EXHIBIT 1

Registered No.

Date Stamp

| | | | |
|-----------------------------------|--|--|---|
| To Be Completed By Post Office | Postage \$ KH0026378 | Extra Services & Fees (continued) | 0004 03 |
| | Extra Services & Fees | <input type="checkbox"/> Signature Confirmation \$ | |
| | <input type="checkbox"/> Registered Mail \$ | <input type="checkbox"/> Signature Confirmation Restricted Delivery \$ | |
| | <input type="checkbox"/> Return Receipt (hardcopy) \$ 16.00 | | |
| | <input type="checkbox"/> Return Receipt (electronic) \$ 4.15 | | |
| | <input type="checkbox"/> Restricted Delivery \$ 0.00 | Total Postage & Fees \$ | |
| | Customer Must Declare Full Value \$ 0.00 | Received by: 01/04/2021 | Domestic Insurance up to \$50,000 is included based upon the declared value. International Indemnity is limited. (See Reverse). |
| OFFICIAL USE | | | |

| | | |
|--|------|--|
| To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed | FROM | Jerry Goldman Anderson Kill P.C. 1251 Avenue of the Americas, Floor 42 New York, NY 10020 |
| | TO | H.E. Mohammad Javad Zarif Ministry of Foreign Affairs of the Islamic Republic of Iran Imam Khomeini Avenue Tehran, Iran |

PS Form 3806, Registered Mail Receipt

April 2015, PSN 7530-02-000-9051

Copy 1 - Customer
(See Information on Reverse)For domestic delivery information, visit our website at www.usps.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Bianco et al.

-v-

Islamic Republic of Iran

CERTIFICATE OF MAILING

Case No.: 20cv10902 (GBD)(SN)

I hereby certify under the penalties of perjury that on the 30 day of December, 2020, I served: Mohammad Javad Zarif, Minister of Foreign Affairs, Ministry of Foreign Affairs of the Islamic Republic of Iran, Imam Khomeini Avenue, Tehran, Iran

☒ the head of the ministry of foreign affairs, pursuant to the provisions of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(a)(3).

1 copy(ies) of the Summons, Complaint deemed filed on December 23, 2020, Civil Cover Sheet, Statement of Relatedness, Notice of suit prepared in accordance with 22 CFR § 93.2 with a copy of 28 U.S.C §§ 1330, 1391(f), 1441(d), and 1602-1611, Affidavit of Translator

by USPS REGISTERED _____

Dated: New York, New York
December 30, 2020

RUBY J. KRAJICK
CLERK OF COURT

/s/JaVonn Ross
DEPUTY CLERK

EXHIBIT 2

ALERT: USPS IS EXPERIENCING UNPRECEDENTED VOLUME INCREASES AND LIMITED EMPL...

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Tracking Number: RH002639649US

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FAQs